

e 5/027/024 ✕  
S/001/035  
cc: Mary Ann  
Susan

**From:** "David L Penney" <ep7@xmission.com>  
**To:** "Tom Munson" <tommunson@utah.gov>, "Daron Haddock" <daronhaddock@utah.gov>  
**Date:** 10/26/2005 10:18:45 AM  
**Subject:** Fw: Noncompliance issues

Dear Daron

In our conversation yesterday you suggested, that I asked for an extension of time for the abatement. The little Spot is in the process of reclamation no mining is anticipated we been in the process of reclamation over the last couple years. And removing stockpiled materials. We plan to do certified seating and get the area down below 5 acres late this fall.

As for sliver 1 and 2 are very small disturbances.

And they should not be confused with Carl Truman's mine.

David Penney

----- Original Message -----

**From:** "David L Penney" <ep7@xmission.com>  
**To:** "Tom Munson" <tommunson@utah.gov>  
**Sent:** Tuesday, October 25, 2005 8:38 AM  
**Subject:** Re: Noncompliance issues

> Dear Tom and Daron

> The only way I could try to meet is to fly into Salt Lake City if one of you

> could pick me up at the airport or I could Rent-A-Car, I left the message

> yesterday for Tom. I don't understand, why you would even Wright

> noncompliance on either one of these mines. Like I said before Carl's

> mining his own patented property. And Tom told me this spring we would

> meet this fall and do certified seating this fall. And some areas I was

> doing reclamation on were better to leave rough. And rake it a little bit

> in the fall,

> David Penney

> ----- Original Message -----

> **From:** "Tom Munson" <tommunson@utah.gov>

> **To:** <ep7@xmission.com>

> **Cc:** "Daron Haddock" <DARONHADDOCK@utah.gov>

> **Sent:** Wednesday, October 19, 2005 11:44 AM

> **Subject:** RE: Noncompliance issues

>

>

>> Dave,

>> We seriously need to resolve the situations of the non-compliance. The

>> abatement requirements were spelled clearly in each cessation order and

>> were very specific as to what you were required to do and in what time

>> frame. You have not addressed any of the requirements of these orders

>> too date and the Division needs to have a meeting with you as soon as

>> possible to discuss what your intentions are. It would be a very good

>> thing for you to be there on October 26. When will you meet with us? You

>> are mining on land that does not belong to you at the Picasso and are

>> way over 5 acres or a large mine at the Snowflake. Both of these

>> situations could and will carry large fines if you fail to take care of

>> them. It is very important to let us know when you can and will meet

>> with us to discuss this situation. By the way, seeding is not the only

>> issue at the Snow Flake and yes, you will need to rake the seed into any

>> areas that are to be seeded. You also have to reclaim additional area or

>> post a large mine plan and additional bond. Tom

RECEIVED

OCT 26 2005

DIV OF OIL GAS & MINING



>>  
>> -----  
>> From: "David L Penney" <ep7@xmission.com>  
>> Sent: Wednesday, October 19, 2005 10:42 AM  
>> To: "Tom Munson" <tommunson@utah.gov>  
>> Cc: "PENNEY'S GEMSTONE, DAVE & SARAH" <ep7@xmission.com>, "Daron Haddock" <daronhaddock@utah.gov>  
>> Subject: Re: Noncompliance issues  
>>  
>> Dear Tom  
>> I know we agreed in the spring to meet on snowflake obsidian this fall.  
>> You  
>> had mentioned that we might need to rake the ground before we seed. If  
>> we  
>> don't need to rake I can have someone come out and do the certified  
>> seeding  
>> with you. If we have to rake, it would probably be November, before I  
>> can  
>> get their.  
>> Thanks Dave Penney  
>>  
>> ----- Original Message -----  
>> From: "Tom Munson" <tommunson@utah.gov>  
>> To: <ep7@xmission.com>  
>> Cc: "Daron Haddock" <DARONHADDOCK@utah.gov>; "Mary Ann Wright" <MARYANNWRIGHT@utah.gov>; "Susan White" <SUSANWHITE@utah.gov>  
>> Sent: Wednesday, October 19, 2005 9:10 AM  
>> Subject: Re: Noncompliance issues  
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>>  
>> Dave,  
>> Darron Haddock and myself will be at the Sliver 1&2 at 9:00 AM on  
>> Wednesday,  
>> October 26 and then go to the Snow flake at 10:30AM on that day to  
>> discuss  
>> what you are intending to do about these sites. It is very important  
>> that  
>> you be there, as we are very rapidly approaching a failure to abate  
>> situation if the Division feels you are not taking care of these  
>> non-compliance issues. I also left messages with you on your cell phone  
>> and  
>> your home phone. Thanks, Tom  
>>  
>> >>> "David L Penney" <ep7@xmission.com> 10/4/2005 10:15 PM >>>  
>> Dear Daron Haddock  
>> I tried to respond to Tom Munson on September 30th he cannot open  
>> the  
>> e-mail sorry it takes so long to respond. The sliver 1 and 2 is a  
>> very  
>> small working. Carl Truman patented land is being worked by him or  
>> others.  
>> Due to our extended absence, from the state of Utah, we have been  
>> unable to  
>> receive mail my daughter signed for your certified letters and mailed  
>> them  
>> to me. I tried to return your cellphone call and give you my e-mail

> > address. In in the a meeting with Tom Munson this spring he said we  
> > can do  
> > a certified reseeding and harrowing. We plan to meet at the site this  
> > fall,  
> > I think this will put us under 5 acres.  
> > Thank you David Penney  
> >  
> > ----- Original Message -----  
> > From: "Daron Haddock" <daronhaddock@utah.gov>  
> > To: <ep7@xmission.com>  
> > Cc: "Mary Ann Wright" <MARYANNWRIGHT@utah.gov>; "Tom Munson"  
> > <TOMMUNSON@utah.gov>  
> > Sent: Monday, October 03, 2005 4:21 PM  
> > Subject: Noncompliance issues  
> >  
> >  
> > > Dear Mr. Penney,  
> > > I am writing this email in hopes of opening a dialogue that  
> > will  
> > > result in the resolution of some noncompliance issues at your mine  
> > > sites. We did receive your letter dated September 14, 2005, that  
> > > withdrew your request to change the Operator name, but it didn't seem  
> > to  
> > > address the two Cessation Orders(CO) that we recently sent to you.  
> > > Cessation Order MC-2005-04-04 was issued on the Little Spot Mine and  
> > > Cessation Order MC-2005-04-05 was issued for the Sliver 1-2 mine.  
> > The  
> > > abatement requirements were spelled out in each of the orders and  
> > were  
> > > very specific as to what you were required to do and in what time  
> > frame.  
> > > We did modify the Little Spot CO to allow until September 30, 2005  
> > to  
> > > complete the abatement steps, since we knew you may have had  
> > difficulty  
> > > receiving your mail (our records show that you did receive the  
> > Certified  
> > > letter on September 7, 2005). Anyway, it appears that there are a  
> > > number of items required in the Cessation Order that have not been  
> > > addressed (bond, Map, notification. etc.). The abatement  
> > requirement  
> > > for the Sliver 1-2 mine is quickly approaching as well. We are very  
> > > concerned about what seems to be a pattern of noncompliance.  
> > Should  
> > > you not complete the abatement requirements, the Division may take  
> > > further enforcement action in the form of Failure to Abate Cessation  
> > > Orders (FTACO) which carry a mandatory \$750 a day fine.  
> > > We really hope to avoid this situation, but I also want to  
> > impress  
> > > upon you the seriousness of your situation. It would be best for  
> > all  
> > > involved if we could resolve the situation without further  
> > enforcement.  
> > > We encourage you to review the two cessation orders and complete the  
> > > abatement requirements as outlined. Perhaps a meeting with our  
> > staff

> > > may be useful in helping you understand the requirements. We ask  
> > that  
> > > you contact us to schedule such a meeting. I am going to be out of  
> > the  
> > > office untill October 13th, but you should be able to contact Tom  
> > Munson  
> > > and schedule things with him.  
> > > Thank You.  
> > > Daron R. Haddock  
> > > Permit Supervisor  
> > > Utah Division of Oil Gas & Mining  
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>



JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

**State of Utah**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Oil, Gas & Mining**

MICHAEL R. STYLER  
Executive Director

JOHN R. BAZA  
Division Director

Page 1 of 1

**VACATION / TERMINATION of**  
**Notice of Violation / Cessation Order**

To the following Permittee or Operator:

Name: David Penney

Mailing Address: 2400 East 30 South, Box 312, Beaver, Utah 84713-0312

Mine Name: Little Spot Permit Number: S/027/024

Utah Mined Land Reclamation Act, Section 40-8-1 et. seq., *Utah Code Annotated (1953)*:

Notice of Violation No. \_\_\_\_\_ dated \_\_\_\_\_, 20 \_\_\_\_

Cessation Order No: MC-2005-04-04 dated September 1, 2006 5

Part 1 of 1 is ☐ vacated ☒ terminated because: The operator has posted a \$8,800 dollar bond with the Division, marked his property disturbance boundary, and provided an accurate legal description and map for his plan per the requirements spelled out in our informal conference held on January 10, 2006. The operator must complete a reclamation contract prior to conducting any further mining operations.

Date of service/mailling: \_\_\_\_\_ Time of service/mailling \_\_\_\_\_ ☒ a.m. ☒ p.m.

Permittee or Operator Representative

Title

Signature

Tom Munson

Division of Oil, Gas & Mining Representative

Reclamation Specialist III

Title

Tom Munson

Signature

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